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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of) MM DOCKET NO. 93-110
)
H. GIBBS FLANDERS, JR.,)
TRUSTEE)
)
 Order to Show Cause Why the)
 License for Station WJHH(AM),)
 Soperton, Georgia, Should)
 Not be Revoked)

To: Administrative Law Judge
 Joseph P. Gonzalez

MASS MEDIA BUREAU'S MOTION TO ENLARGE ISSUES

1. The Chief, Mass Media Bureau, by his attorney and pursuant to § 1.229(a) of the Commission's Rules, hereby requests the Presiding Judge to enlarge the scope of the above-captioned hearing to include the following issues:¹

(a) To determine whether H. Gibbs Flanders, Jr., Trustee, engaged in an unauthorized transfer of control of the licensee of Station WJHH(AM), Soperton, Georgia, in violation of § 310 of the Communications Act of 1934, as amended.

(b) Based on the evidence adduced pursuant to the foregoing issue, to determine whether H. Gibbs Flanders, Jr., Trustee, is qualified to be and remain the licensee of Station WJHH(AM), Soperton, Georgia.

¹ Section 1.229(a) of the Commission's Rules provides that a motion to enlarge issues may be filed by any party to a hearing within 15 days after the full text or a summary of the order designating the case for hearing has been published in the Federal Register. In the instant case, the full text or a summary of the Order to Show Cause and Hearing Designation Order, DA 93-418 (released April 21, 1993), was published in the Federal Register on April 27, 1993. See 58 Fed. Reg. 25643. Accordingly, this request for enlargement of issues against Flanders is timely.

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2. By letter, dated September 30, 1992 (see attached copy), H. Gibbs Flanders, Jr., Trustee ("Flanders"), licensee of Station WJHH(AM) Soperton, Georgia, informed the Commission that on June 26, 1991, the United States Bankruptcy Court had authorized the "sale of the license" of WJHH(AM) from the bankruptcy estate to an individual by the name of Terry Meeks ("Meeks") for the purchase price of \$3,900. Flanders further informed the Commission in that letter that the "sale of the license" had been consummated. Additionally, Flanders stated that he had forwarded an application for consent to the assignment of license of WJHH(AM) from Flanders to Meeks "so that he could file the same with the FCC." According to Flanders, "[s]ince the date of the sale on June 26, 1991, the bankruptcy estate has had no involvement in connection with the license."

3. Section 310(d) of the Communications Act of 1934, as amended, states in pertinent part:

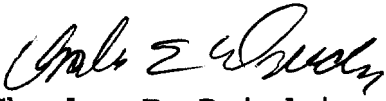
(d) No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.

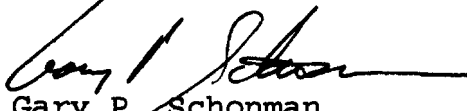
4. The Bureau submits that, based upon the representations in Flanders' September 30, 1992, correspondence, there exists a substantial and material question of fact requiring exploration at hearing as to whether Flanders relinquished control of the

WJHH(AM) license without application to or approval by the Commission. Flanders states that the license has been sold, that such sale has been consummated, and that Flanders has had no involvement in connection with the license for nearly two years. Further, there is no Commission record of the filing of any assignment application. Under the circumstances, the Bureau believes it has clearly established a prima facie case of a violation of Section 310(d) of the statute.

5. Accordingly, the Bureau requests the Presiding Judge to add the issues specified above against Flanders.

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau


Charles E. Dziedzic
Chief, Hearing Branch


Gary P. Schonman
Attorney
Mass Media Bureau

Federal Communications Commission
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May 10, 1993

H. GIBBS FLANDERS, JR.

ATTORNEY AT LAW

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September 30, 1992

AM BRANCH

OCT 05 1992

Federal Communications Commission

AM Branch

Room 342

Washington, D. C. 20554

RE: WJHH (AM)
Soperton, Georgia

Dear Mr. Brytle:

I am responding to your letter of September 25 regarding the status of the reference radio station. As the FCC records will reflect I was the Chapter 7 Bankruptcy Trustee for the radio station holding license WJHH (AM) in Soperton, Georgia. By Court Order dated June 26, 1991 (a photocopy enclosed) the Court authorized the sale of the license from the bankruptcy estate to Terry Meeks for the purchase price of \$3,000.00. The sale of the

COPY

FILED

at 3 O'clock & 30 min P.M

Date 6-27-91 QH

MARY C. BECTON, CLERK

United States Bankruptcy Court
Savannah, Ga. Ga.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**

HOLIDAY BROADCASTING SYSTEM, INC.
dba Radio Station WJHH

:
:
: Bankruptcy Case
: No. 90-30198
: Chapter 7

AMENDED ORDER FOR LEAVE TO SELL

The trustee has made an application for leave to sell the WJHH Broadcasting License to Terry Meeks for a purchase price of \$3,900.00. After consideration of the and application and due notice being given to all interested parties,

IT IS HEREBY ORDERED that the application for Leave to Sell is hereby approved. The purpose of this amendment to an Order for Leave to Sell dated May 20, 1991, is to correct a typographical error in the identification of the call letter for the broadcasting license in the original order dated May 20, 1991.

Dated this 26th day of June, 1991.



JOHN S. DALIS, JUDGE
UNITED STATES BANKRUPTCY COURT

Prepared by:
H. Gibbs Flanders, Jr.
Post Office Box 2056
Dublin, Georgia 31040

CERTIFICATE OF SERVICE

I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 10th day of May 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing, "Mass Media Bureau's Motion to Enlarge Issues" to the following:

H. Gibbs Flanders, Jr., Esq.
P.O. Box 2056, CSS
Dublin, Georgia 31040

H. Gibbs Flanders, Esq., Esq.
210 East Gaines Street
Dublin, Georgia 31040

Michelle C. Mebane
Michelle C. Mebane